

Department of Public Health
and Human Services

Section:
CASELOAD MANAGEMENT

FOOD STAMP PROGRAM

Subject:
Notice of Adverse Action

Supersedes: FS 1503-1 (04/01/04)

References: 7 CFR 273.13; 7 CFR 273.10; 7 CFR 273.18

≥ GENERAL RULE – In most instances, the OPA Case Manager must provide the household with a notice of adverse action when reducing or terminating benefits within the certification period. The two types of adverse action notices are timely and adequate.

TEAMS mails notices the first working day following the day they are authorized on NORE.

**≥NOTICE
REQUIREMENTS**

All notices must be sent from TEAMS and include the following:

1. A statement of what action the OPA Case Manager intends to take or has taken.
2. The reasons for the intended action.
3. The specific state and federal regulations supporting such action.
4. An explanation of the person's right to request a hearing, including:
 - a. How to obtain a fair hearing;
 - b. The right to representation at the hearing, including information on obtaining legal assistance;
 - c. The circumstances under which benefits are continued if a hearing is requested, including the claimant's liability for any benefits incorrectly provided while awaiting the hearing if the hearing officer's decision is adverse to the claimant; and,
 - d. The name and telephone number of the person to contact for additional information.

**≥TIMELY
NOTICE**

Timely notice must be mailed from TEAMS at least 10 calendar days before the effective date of action.

**≥ADEQUATE
NOTICE**

Adequate notice must be mailed from TEAMS no later than two working days after TEAMS cut off. TEAMS cut off is the fourth working day from the last calendar day of the month. Staggered food stamp issuance is not taken into consideration when determining adequate notice time frames.

Adequate notice can be sent in place of timely notice when the following conditions are met:

1. The household reports information which results in decrease or termination of benefits; and,

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NOTE: Changes reported by the household that cause decreased benefits are acted on according to the household's reporting requirements.

2. The report is in writing and signed by a household member; and,
3. The OPA office can determine the household's allotment or ineligibility based solely on the information provided by the household; or,
4. Adequate notice is sent when a household member is disqualified for an Intentional Program Violation (as determined by an administrative disqualification hearing or a court decision) and the benefits of the remaining members have been reduced or terminated to reflect the disqualification of the member. Adequate notice also applies when the household has signed the 'Waiver of Right to Disqualification Hearing.'

**NOTICE IS NOT
REQUIRED**

Although it is a best practice to send a TEAMS notice for all adverse actions, a notice is **not required** in the following situations:

Mass Change - Benefit changes considered food stamp mass changes (FS 1501-2, numbers 1-5).

NOTE: Adequate notice of benefit changes resulting from any other mass change must be sent (FS 1501-2, numbers 6-8). These changes include COLA increases for RSDI, SSI, TANF Cash, Tribal TANF, and GA. In addition, an adequate notice must be sent for mass changes caused by legislative or regulatory changes which effect eligibility and benefit criteria.

Death of Household - It is reliably determined that **all** household members have died.

NOTE: When benefits are changed as a result of one household member dying, a notice is required.

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Household Moved - It is reliably determined that a change reporting household moved or moved out of state, (e.g., 'address unknown/'moved no forwarding address'), or collateral contact confirms a change or six month reporting household applied for food stamp benefits in another state.

NOTE: Changes in residence are acted on according to the household's reporting requirements (FS 1501-3, FS 1501-4).

Completion of Benefits Restoration - A household was receiving restoration of lost benefits, and the restoration is complete. The household was previously notified in writing of the date the increased allotment would terminate.

Variable Allotment - The household was notified **in writing** at the time of certification (application or recertification) that the allotment would vary from month to month during the certification period to reflect changes anticipated at the time of certification.

NOTE: This written TEAMS notice must state exact allotment amount for each month. If an exact allotment cannot be determined at certification, a separate notice must be mailed when a determination is made.

Joint TANF/Food Stamp Application - The household was notified in writing at the time of certification that food stamp benefits are reduced upon receipt of a TANF grant.

Expiration of Expedited Benefits (FS 105-1) - When expedited benefits were provided to a household for whom verification was postponed. The household must receive written notice that the receipt of benefits beyond the expedited period is contingent on its providing the postponed verification.

Terminating Eligibility of Treatment Center and Group Home Residents - The facility lost its certification from the Department of Public Health and Human Services or its status as an authorized representative is suspended by Food and Nutrition Services disqualifying it as a retailer. However, residents of group living arrangements applying on their own behalf are still eligible to participate.

Household Requests Termination - The household requests in writing its benefits be terminated. However, if the request is verbal, a TEAMS notice confirming the voluntary termination must be sent to the household.

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